

The following resolutions were proposed to the Kentucky Legislature, and this version was adopted on November 10, 1798, as a protest against the Alien and Sedition Acts passed by Congress. They were authored by Thomas Jefferson, but he did not make public the fact until years later. This represents one of the clearest expressions of his views on how the Constitution was supposed to be interpreted.

The Kentucky Resolutions of 1798

1. *Resolved*, That the several States composing, the United States of America, are not united on the principle of unlimited submission to their general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes — delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: that to this compact each State acceded as a State, and is an integral part, its co-States forming, as to itself, the other party: that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.
2. *Resolved*, That the Constitution of the United States, having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies, and felonies committed on the high seas, and offenses against the law of nations, and no other crimes, whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that “the powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively, or to the people,” therefore the act of Congress, passed on the 14th day of July, 1798, and intituled “An Act in addition to the act intituled An Act for the punishment of certain crimes against the United States,” as also the act passed by them on the — day of June, 1798, intituled “An Act to punish frauds committed on the bank of the United States,” (and all their other acts which assume to create, define, or punish crimes, other than those so enumerated in the Constitution,) are altogether void, and of no force; and that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States, each within its own territory.
3. *Resolved*, That it is true as a general principle, and is also expressly declared by one of the amendments to the Constitutions, that “the powers not delegated to the United States by the Constitution, our prohibited by it to the States, are reserved to the States respectively, or to the people”; and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or the

process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense;" the same act, undertaking to authorize the President to remove a person out of the United States, who is under the protection of the law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without hearing witnesses in his favor, without defense, without counsel, is contrary to the provision also of the Constitution, is therefore not law, but utterly void, and of no force: that transferring the power of judging any person, who is under the protection of the laws from the courts, to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides that "the judicial power of the United States shall be vested in courts, the judges of which shall hold their offices during good behavior"; and that the said act is void for that reason also. And it is further to be noted, that this transfer of judiciary power is to that magistrate of the general government who already possesses all the Executive, and a negative on all Legislative powers.

7. *Resolved*, That the construction applied by the General Government (as is evidenced by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress a power "to lay and collect taxes, duties, imports, and excises, to pay the debts, and provide for the common defense and general welfare of the United States," and "to make all laws which shall be necessary and proper for carrying into execution, the powers vested by the Constitution in the government of the United States, or in any department or officer thereof," goes to the destruction of all limits prescribed to their powers by the Constitution: that words meant by the instrument to be subsidiary only to the execution of limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part to be so taken as to destroy the whole residue of that instrument: that the proceedings of the General Government under color of these articles, will be a fit and necessary subject of revisal and correction, at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

8th. *Resolved*, That a committee of conference and correspondence be appointed, who shall have in charge to communicate the preceding resolutions to the Legislatures of the several States: to assure them that this commonwealth continues in the same esteem of their friendship and union which it has manifested from that moment at which a common danger first suggested a common union: that it considers union, for specified national purposes, and particularly to those specified in their late federal compact, to be friendly, to the peace, happiness and prosperity of all the States: that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation: that it does also believe, that to take from the States all the powers of self-government and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness or prosperity of these States; and that therefore this commonwealth is determined, as it doubts not its co-States are, to submit to undelegated, and consequently unlimited powers in no man, or body of men on earth: that in cases of an abuse of the delegated powers, the members of the general government, being chosen by the people, a change by the people would be the constitutional remedy; but, where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy: that every State has a natural right in cases not within the compact, (*casus non fœderis*) to nullify of their own authority all assumptions of power by others within their limits:

government, whether general or particular. And that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked in a common bottom with their own. That they will concur with this commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration that that compact is not meant to be the measure of the powers of the General Government, but that it will proceed in the exercise over these States, of all powers whatsoever: that they will view this as seizing the rights of the States, and consolidating them in the hands of the General Government, with a power assumed to bind the States (not merely as the cases made federal, *casus fœderis* but), in all cases whatsoever, by laws made, not with their consent, but by others against their consent: that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases not made federal, will concur in declaring these acts void, and of no force, and will each take measures of its own for providing that neither these acts, nor any others of the General Government not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories.

9th. *Resolved*, That the said committee be authorized to communicate by writing or personal conference, at any times or places whatever, with any person or persons who may be appointed by any one or more co-States to correspond or confer with them; and that they lay their proceedings before the next session of Assembly.

Five other states — Indiana, Minnesota, New Mexico, North Dakota and Wyoming — are considering similar initiatives for their 2010 ballots.

<http://www.tenthamendmentcenter.com/2009/06/26/arizona-hcr2014-national-health-care-nullification/>



On January 15, 2010 at 9:30 am, the Senate Judiciary Committee will conduct a hearing on the Kansas Sovereignty Resolution, SCR 1615. The hearing will be in the new Hearing Room on the 5th floor, South Wing of the Capitol building in Topeka.

It is imperative the Senate see grassroots support for the 10th Amendment if any legislation is to go forward this year. Please plan to come and show your support for SCR 1615. The hearing may take less than 60 minutes, but they may be the most important minutes of this session.

Click here to read Senate Concurrent Resolution No. 1615

http://www.pilchercook.com/TenthAmendment/2009_1615.pdf

Judge Napolitano on nullification:

[YouTube - Thomas Woods : States Can Nullify Unconstitutional Federal Laws!](#)

From Freedom Works

Nullification: The States Have a Nuclear Option, Too By josh.eboch on Sep 20, 2009

Remember Real ID? There's a good reason that even though Congress passed the law in 2005 it has not been implemented by most states. It's called nullification.

When they aren't begging for federal handouts, state governors and legislators have the ability to enforce the limitations on federal power enumerated by the Constitution. Unfortunately, they usually are begging for handouts and so lack the spine or the motivation to stand up to Washington.

That's where liberty activists and their pressure campaigns at the state level must come in.

OKLAHOMA MAY JUST BE THE PLACE TO LIVE !!!

An update from Oklahoma :

Recently in Oklahoma a state law passed, 37 to 9, an amendment to place the TEN COMMANDMENTS on the front entrance to the State Capital. The feds in D.C., along with the ACLU, said it would be a mistake. Hey this is a conservative state, based on Christian values....!

Guess what.....: Oklahoma did it anyway!!!

Oklahoma recently passed a law in the state to INCARCERATE ALL ILLEGAL IMMIGRANTS AND SHIP THEM BACK TO WHERE THEY CAME FROM, unless they get a green card and become an American Citizen. They all scattered. This was against the advice of the Federal Government and the ACLU, they said it would be a mistake.

Guess what..... Oklahoma did it anyway!!!

Recently Oklahoma passed a law to include DNA samples from any and all illegal immigrants to the Oklahoma database, for criminal investigative purposes. Pelosi said it was unconstitutional.

Guess what..... Oklahoma did it anyway!!!

Several weeks ago, Oklahoma passed a law, declaring Oklahoma as a Sovereign state, not under the Federal Government directives. That, for your information, makes Oklahoma and Texas the only states to do so. Guess what..... More states are likely to follow. Louisiana, Alabama, Georgia, both Carolina's, Tennessee, Kentucky, Missouri, Arkansas, and West Virginia, just to name a few. Should Mississippi act so will Florida. Save your confederate money, it appears the South is about to rise up once again.

The federal Government has made bold steps to take away our guns. Oklahoma, a week ago, passed a law confirming people in this state have the right to bear arms and transport them in their vehicles. I'm sure that was a set back for the Kennedys and Ms Pelosi and especially the criminals. Our Government didn't like it.

Guess what..... Oklahoma did it anyway!!!

By the way, Obama and Our Government does not like any of this.

Guess what....who cares... Oklahoma is doing it anyway!!!

<http://www.snopes.com/inboxer/pending/oklahoma.asp>

Likewise, the state of Arizona has joined the growing resistance to federal health "reform."

On June 22, the Arizona state Senate voted 18-11 to concur with the House and approve H.C.R. 2014, known as the Health Care Freedom Act. Arizona residents will vote on the amendment sponsored by Arizona Rep. Nancy Barto in 2010.

This week, Louisiana state Rep. Kirk Talbot announced he will propose a constitutional amendment to shield state residents from federal health "reform."

Louisiana's health chief, Alan Levine, told The Advocate that the legal debate should get interesting.

"The 10th amendment to the Constitution ensures states have the right to conduct their affairs except for those things specifically ascribed to the federal government," he said. "Health care is not one of those things the federal government has the 'right' to impose on states."

Boldin confirmed that The Tenth Amendment Center has been in contact with sources in seven other states that have indicated their legislatures will see similar health care nullifications as early as 2010.

In a July interview with the Mark Davis Show, Texas Gov. Rick Perry indicated that his state may join the showdown with the White House over federal health care.

"I think you'll hear states and governors standing up and saying 'no' to this type of encroachment on the states with their health care," Perry said. "My hope is that we never have to have that stand-up. But I'm certainly willing and ready for the fight if this administration continues to try to force their very expansive government philosophy down our collective throats."

"Boldin said he expects the movement to grow as people realize they can take their concerns to their own state governments "Once the ball gets rolling, I think people will recognize that you can bang your head on the federal doorstep year in and year out and fail because they don't listen to us in D.C.," he said.

"This is what Jefferson, Madison and most of the founders recommended – this idea that there's a balance of government. When the federal government gets out of control, you have to look to your state governments to protect you against it."

"He referenced the recent surge in protests at health care town hall meetings across the nation. "If these were all focused on state governments, we would probably see 10 or 20 nullification bills in states already," he said. "And the health care program would be dead in the water."

"Ultimately, Boldin said, it's not up to the federal government to provide health care for the nation."

"This is an issue that the federal government shouldn't be touching at all."

Urge your State Reps to pass this amendment to their State constitution. --- Roger

<http://www.resistnet.com/forum/topics/states-move-to-nullify-federal>

The law, included below, says in simple terms the following.

Section 1: Gives a name to the bill

Section 2: States why the state of Montana can nullify a federal law, including references to the 2nd, 9th, & 10th amendments to the US Constitution

Section 3: Sets up definitions for terms used in the bill

Section 4: Nullifies federal gun laws relating to arms built, used, and kept within the state of Montana

Section 5: Sets exceptions to what is nullified

Section 6: Brands Montana firearms

Section 7: Lists where the law goes in the Montana Code

Section 8: Sets application date to October 1, 2009

<http://www.campaignforliberty.com/blog.php?view=17935>

Medina calls for Nullification of HR 3962

November 15, 2009 by admin

Filed under Featured

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FOR IMMEDIATE RELEASE

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Debra Medina, a registered nurse and candidate for governor, is taking the lead in defending Texas against the nationalization of healthcare. "This bill devastates freedom and destroys healthcare. Texas must nullify the action by congress and fight for an injunction in the federal courts. I am urging Governor Perry today to call the Texas Legislature into special session. I am encouraging Attorney General Abbot to begin the work necessary to obtain an injunction against the IRS and the 111 other federal agencies empowered in this legislation to further embed Washington D.C. in our lives. These actions are critical to insuring that Texans are free to make our own decisions about healthcare" stated Medina.

As the U.S. Senate takes up HR 3962, the "Affordable Health Care for America Act," Texans must mobilize now as never before! We must not wait, there can be no delay. We must prepare for the eventuality that the U. S. Senate will pass this bill and be ready to immediately defend the sovereignty of the great state of Texas.

The Texas Legislature must act. Please call your state representative and state senator today. Find your district and their number here: <http://www.fyi.legis.state.tx.us/>. Ask them to demand that the governor call a special session to address the nationalization of healthcare; to nullify those actions by Congress that undermine the sovereignty of Texas.

With action by our legislature, Texas can solidify arguments for sovereignty in healthcare and against the bill on the grounds that it is unconstitutional. The federal government has no constitutional authority in healthcare. Texas will care for Texans.

Earlier this week, Florida State Senator Carey Baker (R) and State Representative Scott Plakon (R) introduced a state Constitutional amendment that, if adopted, would prevent Floridians from enrolling in any federal health care legislation. [...]

"We believe this unprecedented power-grab by President Obama and Congress is clearly not in the best interests of the citizens of Florida," Baker and Plakon said in a joint statement. Baker, who is a Republican candidate for Commissioner of Agriculture and Consumer Services, participated in the right-wing tea parties on July 4. Both he and Plakon are sponsors of a "sovereignty" memorial, a measure meant to serve "as a notice and a demand to the Federal Government ... to cease and desist, effective immediately, from issuing mandates that are beyond the scope of [their] constitutionally delegated powers."

Their amendment to ban health care would need approval by a three-fifths vote in both the House and Senate. If passed by the legislature, Florida voters would vote on the constitutional amendment on Election Day 2010.